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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,379	11/14/2001	Ji Hyun Hwang	MRE-0040	6698

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EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
3729	5

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/987,379	HWANG ET AL.
Examiner	Art Unit	
Minh Trinh	3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 March 2003 .

2a) This action is **FINAL**.. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-4 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . 6) Other: _____ .

DETAILED ACTION

Drawings

1. New corrected drawings are required in this application because of the following:
 - a) All of the drawings (Figs 1-8) are objected to because they are inconsistent with the specification description. For examples: it appears that figure 6-8 are conventional figures, not figures 1-3 because the discussion under "Description of The Related Art" (see specification, pages 1-6) which are described in details references of the related to Figs. 6-8. Therefore, figures 6-8 is considered to be the " Related Prior Art". For clarification of the drawings, the examiner suggests the following change to the drawings:
 - i- "Figs. 1-5" of the drawing should be changed to: --Figs. 4-8--.
 - ii- "Fig. 6" should be changed to: --Fig. 2--.
 - iii- "Fig. 6" should be changed to: ---Fig. 1--.
 - iv- Fig. 8 should be changed to: --Fig 3--, respectively, in order to reflect with the detailed description in the specification. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
2. Since, Figs. 1-3 as suggested above are "conventional art" (see Specification page 8, lines 13-19), therefore they should be designated by a legend such as --Prior Art--. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities:

- a) misspelling term "gear", therefore, "gar" (see page 17, line 13) should be changed to: --gear--.
- b) "the module head is assembled to be moved to the X-Y gantry "(in the specification, page 1, lines 16-17) is unclear in that it is not known what applicants are referring at "the head is assembled to be moved". For a better understanding of how the head is being moved in the associated directions X-Y, the examiner suggests that "assembled"(page 1, line 17) should be changed to: – adapted–.
- c) the specification under the heading "Description of The Related Art", pages 1-6) is objected to because none of references that are listed under this section are read on Fig. 1. It appears that Fig. 7 of the drawings is read on references as described in this section. Therefore, the examiner suggests that applicants should be carefully review their specification and drawings as to make any changes necessary as so to make their specification consistent their drawings (see objection to drawings above).
- d) the specification, under the heading "Detailed Description of The Preferred Embodiment", page 9-18) is objected to because of the following:
 - i- "Fig. 4 is a front view of a feeder " (see page 8, lines 20-21 and page 9, line10 to page 16) is not corresponding to "Fig. 4 of drawings" because, Fig. 4 as shown in the drawings is "a perspective view of a driving gear and a feeding unit gear" which s

inconsistent with the detailed description of "a front view of a feeder" as described in their specification under (see pages 1-6).

ii- Further, the same is applied to Fig. 7 because their specification Fig. 7 as shown is "a front view of a feeder" which is in consistent with their specification because the drawing is inconsistent with their specification, i.e., Fig. 7 is "a perspective view of a driving gear and feeder gear". (Note that applicants should revised the specification to read on each of the drawings accurately or to revision their drawings to make them consistent and accurate with the specification (see objection to the drawings above). Appropriate correction is required.

Claim Objections

4. Claim1 is objected to because of the following:

"In" (Claim 1, line 1) should be changed to: -- A feeder for -- "for a surface mounting device" (claim 1, line 6) should be deleted. For a better clarification of the claimed subject invention. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Following are examples:

The phrase: " by winding the same "(claim 1, lines 33) is unclear as to what exactly structural element that applicants are referred to.

The terms: "its"(claim 2, lines 6 and 7) should be referred to the related element structure. Because it is not clear as to exactly what structure as represented by "its" in which applicants are referring to.

It is unclear whether "a forward/backward rotating force" (claim 2, lines 13-14) the same as "the forward/backward rotating force" (in the preamble of claim 2). Further, is the recites "a circular permanent magnet unit" (claim 2, line 12) is the same as" a circular permanent magnet unit" (see claim 1, line 12), and others. Please clarify.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claim1-4 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of copending Application No. 09/989,461, hereafter '461. Although the conflicting claims

are not identical, they are not patentably distinct from each other because the subject matter claimed in the instant application is fully claimed in the copending Application '461 is covered by the copending Application '461 since the copending Application '461 and the application are claiming common subject matter, as follows:

The copending Application '461 claims a feeder for a surface mounting device comprising: a main frame (see claim 1, line 2); a feeding unit having a plurality of armature coils and a circular permanent magnetic unit and other associated structural elements thereof (see claim 1, lines 2-9); a vinyl separation unit being assembled at the main frame and carrying the vinyl removed from the tape (see claim 1, lines 10-13); a vinyl recovering being connected to the separation unit by a belt (see claim 1, lines 14-20); a first disc member, a second disc member, and a circular permanent magnetic unit as recited in claim 2, lines 4-18 (see claim 2, lines 1-26); and limitations of each of the claims 3-4 of the present invention (see claims 4-5)

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Prior Art References

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art references are cited for their teaching of a feeder device for surface mounting apparatus.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7307 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



M. Trinh
Patent Examiner Group 3729

mt
May 5, 2003